

AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 575

Introduced by Assembly Member Hayashi
(Coauthor: Assembly Member Perea)
(Coauthor: Senator Leno)

February 16, 2011

An act to amend Section 205 of, and to repeal and add Chapter 5.65 (commencing with Section 2585) of Division 2 of, the Business and Professions Code, relating to dietetics, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 575, as amended, Hayashi. Dietetics.

Existing law provides that any person representing himself or herself as a registered dietitian or dietetic technician shall meet specified requirements and qualifications.

This bill would repeal these provisions and enact new provisions providing for the licensing and regulation of *registered* dietitians by the Dietitians Bureau in the Department of Consumer Affairs, which the bill would create. The bill would specify the qualifications required for ~~licensed~~ *registered* dietitians and their scope of practice. The bill would specify the qualifications and required supervision for dietetic technicians, *registered*. The bill would create an advisory committee within the bureau, with 5 members appointed by the Director of Consumer Affairs and the Legislature. The bill would authorize the bureau to impose licensing fees, which would be deposited in the Dietitian Licensing Fund, which the bill would create, and would continuously appropriate those revenues to the bureau. The bill would

authorize the bureau to enforce these provisions and would enact other related provisions. The bill would provide that a violation of these provisions is a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Dietetics is a dynamic health profession that applies a
4 scientific body of knowledge to improve, promote, and optimize
5 millions of Californians' health by means of appropriate nutrition
6 care services.

7 (b) Registered dietitians are highly trained allied health
8 professionals who obtain and maintain national registration status.
9 Registered dietitians are uniquely qualified by virtue of academic
10 and supervised practice training and certification to provide a
11 comprehensive array of evidence-based, nutrition-related
12 professional services.

13 (c) Registered dietitians practice in a variety of work settings.
14 The majority of registered dietitians practice as part of a
15 coordinated multidisciplinary medical care team in the treatment
16 and prevention of disease in clinical, patient care settings. These
17 include acute care, ambulatory care, long-term care, other health
18 care facilities, as well as private practice and managed care settings.
19 A large number of registered dietitians work in community and
20 public health programs, food and nutrition management,
21 consultation and business, and education and research.

22 (d) In recognition of the continually evolving practice of
23 dietetics, California's current dietitian practice statutes require
24 updating to better reflect the breadth of nutrition-related services
25 provided by registered dietitians.

1 (e) In recognition of the continually evolving health care
2 practices in California and the requirement for licensed health care
3 providers to perform preventive and chronic disease management
4 within the health care arena, an enhanced regulatory framework
5 for the practice of dietetics is appropriate.

6 (f) For these reasons, the Legislature finds and declares that,
7 because the practice of dietetics in California affects the public's
8 health, safety, and welfare, there is a necessity for that practice to
9 be subject to licensing, regulation, and control.

10 SEC. 2. Section 205 of the Business and Professions Code is
11 amended to read:

12 205. (a) There is in the State Treasury the Professions and
13 Vocations Fund. The fund shall consist of the following special
14 funds:

- 15 (1) Accountancy Fund.
- 16 (2) California Architects Board Fund.
- 17 (3) Athletic Commission Fund.
- 18 (4) Barbering and Cosmetology Contingent Fund.
- 19 (5) Cemetery Fund.
- 20 (6) Contractors' License Fund.
- 21 (7) State Dentistry Fund.
- 22 (8) State Funeral Directors and Embalmers Fund.
- 23 (9) Guide Dogs for the Blind Fund.
- 24 (10) Home Furnishings and Thermal Insulation Fund.
- 25 (11) California Architects Board-Landscape Architects Fund.
- 26 (12) Contingent Fund of the Medical Board of California.
- 27 (13) Optometry Fund.
- 28 (14) Pharmacy Board Contingent Fund.
- 29 (15) Physical Therapy Fund.
- 30 (16) Private Investigator Fund.
- 31 (17) Professional Engineers' and Land Surveyors' Fund.
- 32 (18) Consumer Affairs Fund.
- 33 (19) Behavioral Sciences Fund.
- 34 (20) Licensed Midwifery Fund.
- 35 (21) Court Reporters' Fund.
- 36 (22) Veterinary Medical Board Contingent Fund.
- 37 (23) Vocational Nurses Account of the Vocational Nursing and
38 Psychiatric Technicians Fund.
- 39 (24) Electronic and Appliance Repair Fund.
- 40 (25) Geology and Geophysics Fund.

- 1 (26) Dispensing Opticians Fund.
- 2 (27) Acupuncture Fund.
- 3 (28) Physician Assistant Fund.
- 4 (29) Board of Podiatric Medicine Fund.
- 5 (30) Psychology Fund.
- 6 (31) Respiratory Care Fund.
- 7 (32) Speech-Language Pathology and Audiology Fund.
- 8 (33) Board of Registered Nursing Fund.
- 9 (34) Psychiatric Technician Examiners Account of the
- 10 Vocational Nursing and Psychiatric Technicians Fund.
- 11 (35) Animal Health Technician Examining Committee Fund.
- 12 (36) State Dental Hygiene Fund.
- 13 (37) State Dental Assistant Fund.
- 14 (38) Hearing Aid Dispensers Account of the Speech-Language
- 15 Pathology and Audiology Fund.
- 16 (39) Dietitian Licensing Fund.
- 17 (b) For accounting and recordkeeping purposes, the Professions
- 18 and Vocations Fund shall be deemed to be a single special fund,
- 19 and each of the several special funds therein shall constitute and
- 20 be deemed to be a separate account in the Professions and
- 21 Vocations Fund. Each account or fund shall be available for
- 22 expenditure only for the purposes as are now or may hereafter be
- 23 provided by law.
- 24 SEC. 3. Chapter 5.65 (commencing with Section 2585) of
- 25 Division 2 of the Business and Professions Code is repealed.
- 26 SEC. 4. Chapter 5.65 (commencing with Section 2585) is added
- 27 to Division 2 of the Business and Professions Code, to read:

28
29 CHAPTER 5.65. DIETETICS
30

- 31 2585. The purpose of this chapter is to protect the health, safety,
- 32 and welfare of the public by providing for the licensing and
- 33 regulation of persons engaged in the practice of dietetics.
- 34 2585.1. As used in this chapter, the following terms have the
- 35 following meanings:
- 36 (a) "Association" or "ADA" means the American Dietetic
- 37 Association.
- 38 (b) "Bureau" means the Dietitians Bureau created pursuant to
- 39 Section 2585.4.

1 (c) “Commission on Accreditation for Dietetics Education” or
2 “CADE” means ADA’s accrediting agency for education programs
3 preparing students for careers as registered dietitians or dietetic
4 technicians, registered.

5 (d) “Commission” means the Commission on Dietetic
6 Registration that is accredited by the National Commission for
7 Certifying Agencies, and is the certifying agency for voluntary
8 professional credentialing.

9 (e) “Degree” means a degree received from a United States
10 regionally accredited college or university recognized by the
11 Council for Higher Education Accreditation and the United States
12 Department of Education at the time the degree was received.

13 (f) “Dietetics” means the integration and application of
14 principles derived from the sciences of food, nutrition,
15 management, and communication, and from the biological,
16 physiological, behavioral, and social sciences to achieve and
17 maintain optimal human health.

18 (g) “~~Dietetic technician~~ *technician, registered*” is a person
19 who is a graduate of at least an associate degree program in dietetic
20 technology or dietetics that is accredited by CADE, ~~and who is~~
21 ~~working who passed a national exam administered by the~~
22 ~~commission, and who maintains continuing education required by~~
23 ~~the commission. The dietetic technician, registered, shall work~~
24 ~~under the direct supervision of a dietitian licensed under this~~
25 ~~chapter or a registered dietitian and uses the title dietetic technician,~~
26 ~~or dietetic technician, registered.~~

27 (h) “Direct supervision” means the supervising dietitian shall
28 be available to the dietetic technician, *registered*, for consultation
29 whenever consultation is required. The dietitian may be available
30 for consultation by telephone or other electronic means, provided
31 that the dietitian is physically on the facility site a sufficient amount
32 of time to provide adequate supervision over and review of the
33 work of the dietetic technician, *registered*.

34 (i) “General nonmedical nutrition information” means
35 information on any of the following:

- 36 (1) Principles of good nutrition and food preparation.
37 (2) Food to be included in the normal daily diet.
38 (3) The essential nutrients needed by the body.
39 (4) Recommended amounts of the essential nutrients, based on
40 established standards.

1 (5) The actions of nutrients on the body.

2 (6) The effects of deficiencies or excesses of nutrients.

3 (7) Food and supplements that are good sources of essential
4 nutrients.

5 (j) “Licensed dietitian” means a person licensed under this
6 chapter to practice dietetics, including medical nutrition therapy.
7 Activities of a licensed dietitian do not include the medical
8 differential diagnosis of the health status of an individual.

9 (k) “Medical nutrition therapy” means the use of specific
10 nutrition services for the purpose of disease management to treat
11 or rehabilitate an illness, injury, or condition and includes all of
12 the following:

13 (1) Performing nutritional assessments and reassessments.

14 (2) Interpreting dietary data and recommending nutrient needs
15 relative to medically prescribed diets, including, but not limited
16 to, tube feedings, specialized intravenous solutions, and specialized
17 oral feedings.

18 (3) Developing and implementing medically prescribed diets,
19 including, but not limited to, obesity, diabetes, cardiovascular
20 disease, and renal failure.

21 (4) Evaluating and advising about food and drug interactions.

22 (5) Developing and managing food service operations in
23 facilities whose functions include the provision of safe and
24 effective nutrition care and the provision of general or medically
25 prescribed diets for an individual, target group, or community as
26 set out, and in compliance with, recognized nutrition standards.

27 (6) Nutrition monitoring and evaluation.

28 (l) “Medically prescribed diet” means a diet prescribed when
29 specific food or nutrient levels need to be monitored or altered, or
30 both, as a component of a treatment program for an individual
31 whose health status is impaired or at risk due to disease, injury, or
32 surgery and that may only be performed as initiated by or in
33 consultation with a licensed physician and surgeon, or by an
34 individual authorized under the terms of his or her license to
35 prescribe medical care in this state.

36 ~~(m) “Nutrition assessment” means the systematic process of~~
37 ~~obtaining, verifying, and interpreting biochemical, anthropometric,~~
38 ~~physical, and dietary data in order to make decisions about the~~
39 ~~nature and cause of nutrition-related problems. It is an ongoing,~~
40 ~~dynamic process that involves not only initial data collection, but~~

1 also reassessment and analysis of client or community needs and
2 provides the foundation for nutrition diagnosis and nutritional
3 recommendations, including enteral and parenteral nutrition.

4 (n)

5 (m) “Nutrition care process” means the systematic problem
6 solving method that dietitians use to critically think and make
7 decisions when providing medical nutrition therapy or to address
8 nutrition-related problems and provide safe, effective, high-quality
9 care. The nutrition care process consists of four distinct, but
10 interrelated steps, including nutrition assessment, nutrition
11 diagnosis, nutrition intervention, and nutrition monitoring and
12 evaluation, as follows:

13 (1) “Nutrition assessment” means the systematic process of
14 obtaining, verifying, and interpreting biochemical, anthropometric,
15 physical, and dietary data in order to make decisions about the
16 nature and cause of nutrition-related problems. It is an ongoing,
17 dynamic process that involves not only the initial data collection,
18 but also reassessment and analysis of client or community needs
19 and provides the foundation for nutrition diagnosis and nutritional
20 recommendations, including enteral and parental nutrition.

21 (2) “Nutrition diagnosis” means the identification and
22 description of a specific nutrition problem that can be resolved or
23 improved through nutrition intervention by a registered dietitian.
24 A nutrition diagnosis is not a medical diagnosis.

25 (o) “Nutrition care services” means any of the following:

26 (1) Assessing the nutrition needs of individuals and groups and
27 determining resources and constraints.

28 (2) Establishing priorities, goals, and objectives that meet
29 nutrition needs and are consistent with available resources and
30 constraints.

31 (3) Providing nutrition counseling in health and disease.

32 (4) Developing, implementing, and managing nutrition care
33 systems.

34 (5) Evaluating making changes in and maintaining appropriate
35 standards of quality in food and nutrition care services.

36 (p) “Nutrition diagnosis” means identifying and labeling
37 nutritional problems that a licensed dietitian is responsible for
38 treating independently.

39 (q)

(3) “Nutrition intervention” means purposefully planned actions intended to positively change a nutrition-related behavior, risk factor, environmental condition, or aspect of health status for an individual and his or her family or caregiver, target groups, or community at large.

(r)

(4) “Nutrition monitoring and evaluation” means identifying patient-client outcomes relevant to the nutrition diagnosis and intervention plans and goals, and comparing those outcomes with previous status, intervention goals, or a reference standard to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised.

(s)

(n) “Registered dietitian” means an individual registered with the commission *and licensed by the bureau*.

2585.2. (a) A ~~licensed~~ *registered* dietitian engages in (1) the provision of medical nutrition therapy and (2) the nutrition care process.

(b) A ~~licensed~~ *registered* dietitian may, upon referral by a health care provider authorized to prescribe dietary treatments, conduct nutritional and dietary assessments, and develop nutritional and dietary treatments, including therapeutic diets, for individuals or groups of patients in licensed institutional facilities or in private office settings. The referral shall be accompanied by a written prescription signed by the health care provider detailing the patient’s diagnosis and including a statement of the desired objective of dietary treatment. The requirement of a referral shall be deemed to be satisfied by ~~an entry~~ *a diet order* in the ~~patient~~ records of a ~~patient~~ *person* who is undergoing treatment at a licensed health care facility if the contents of the patient records reflect the information required by this section. The services described may be termed medical nutrition therapy.

(c) A ~~licensed~~ *registered* dietitian may accept or transmit verbal orders, *telephone orders*, or electronically transmitted orders from a referring physician and surgeon.

(d) A ~~licensed~~ *registered* dietitian may order medical laboratory tests approved by a referring physician and surgeon and related to nutritional therapeutic treatments by facility or agency policy and when otherwise permitted by applicable law and regulations. *In*

1 *the absence of the referring physician and surgeon at a patient*
2 *visit, in a clinic where there is a registered nurse on duty, the*
3 *medical laboratory test may be ordered if a registered nurse is*
4 *notified that the test is being ordered and is afforded an opportunity*
5 *to assess the patient.*

6 2585.3. Only a person licensed as a dietitian or otherwise
7 authorized to practice under this chapter shall practice dietetics or
8 medical nutrition therapy, or use the title *registered* dietitian, or
9 use the word dietitian or registered dietitian, alone or in
10 combination, or use the term licensed dietitian, or the letters ~~LD~~
11 *RD, LD*, or similar titles or initials.

12 2585.4. There is, in the Department of Consumer Affairs, the
13 Dietitians Bureau, under the supervision and control of the director.
14 The director may appoint a chief at a salary to be fixed and
15 determined by the director, with the approval of the Director of
16 Finance. The duty of enforcing and administering this chapter is
17 vested in the chief, and he or she is responsible to the director
18 therefor. The chief shall serve at the pleasure of the director.

19 2585.5. The bureau may establish rules and regulations
20 necessary for the administration and enforcement of this chapter
21 and prescribe the form of statements and reports provided for in
22 this chapter. The rules and regulations shall be adopted, amended,
23 or repealed in accordance with the provisions of the Administrative
24 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
25 Part 1 of Division 2 of Title 2 of the Government Code).

26 2585.6. In the enforcement of this chapter, the bureau has all
27 the powers and is subject to all the responsibilities vested in and
28 imposed upon the head of a department under Chapter 2
29 (commencing with Section 11150) of Part 1 of Division 3 of Title
30 2 of the Government Code, as follows:

31 (1) To license dietitians in a manner consistent with the
32 provisions of this chapter.

33 (2) To keep a record of its proceedings, a register of all
34 applicants for licensure, and a register of all licensed dietitians.

35 2585.7. (a) There is within the bureau a five-member advisory
36 committee. On or before July 1, 2012, the members of the
37 committee shall be appointed as follows:

38 (1) Three members, who shall have been actively practicing in
39 the field of dietetics for not less than five years, appointed by the
40 director.

1 (2) One public member appointed by the Senate Committee on
2 Rules.

3 (3) One public member appointed by the Speaker of the
4 Assembly.

5 (b) The advisory committee shall advise the bureau with respect
6 to matters relating to the administration of this chapter, including
7 annually reviewing the fee schedule, licensing, and enforcement
8 provisions of this chapter.

9 (c) The bureau shall actively seek input from, and consult with,
10 the advisory committee regarding the development of regulations
11 to implement this chapter.

12 (d) The bureau shall not proceed with any proposed regulations
13 without first receiving written comments from the advisory
14 committee.

15 (e) The bureau shall adopt as continuing education requirements
16 the requirements utilized by the commission as they are
17 periodically modified, and shall require all applicants for licensure
18 to provide evidence of compliance with those requirements.

19 (f) The bureau shall have power to seek injunctive relief to
20 prohibit any person from providing professional dietetic or
21 nutritional care services as defined in this chapter without being
22 licensed or exempt from licensure as provided in this chapter.

23 (g) On an annual basis, the bureau shall provide the advisory
24 committee with information regarding the number of complaints
25 received by the bureau regarding the practice of dietetics, a
26 summary of the nature of the complaints, and the number of
27 enforcement actions undertaken by the bureau or referred to other
28 agencies.

29 2585.8. The bureau shall notify in writing any person
30 determined by the bureau to be in violation of this chapter. The
31 notification shall state that the person may request a hearing by
32 the bureau within the amount of time specified by the bureau
33 pursuant to the Administrative Procedure Act. If the person fails
34 to request a hearing, or if the bureau determines from the hearing
35 that the person is in violation of this chapter, the bureau may apply
36 to the superior court in the county in which the violation is
37 occurring for an injunction or other appropriate remedy to prohibit
38 the continued violation of this chapter.

39 2585.9. (a) The bureau shall issue a license as a dietitian to a
40 person who satisfactorily completes an application, pays all

1 required fees, and certifies and furnishes evidence satisfactory to
2 the ~~board~~ bureau that the applicant has completed all of the
3 following:

4 (1) (A) Has received a baccalaureate or post-baccalaureate
5 degree from a United States regionally accredited college or
6 university ~~with and completed~~ a major course of study in human
7 nutrition, nutrition education, public health nutrition, food and
8 nutrition, dietetics, or food systems management, or an equivalent
9 major course of study as approved by the bureau.

10 (B) Applicants who have obtained their education outside the
11 United States and its territories must have their academic degree
12 or degrees validated as equivalent to the baccalaureate or master's
13 degree conferred by a regionally accredited college or university
14 in the United States.

15 (2) Has completed a documented supervised preprofessional
16 practice experience component in dietetics of not less than 900
17 hours under the supervision of a registered dietitian, *or* a licensed
18 dietitian ~~or nutritionist, or an individual with a doctoral~~ *with a*
19 *minimum of a master's* degree conferred by a United States
20 regionally accredited college or university with a major course of
21 study in human nutrition, nutrition education, food and nutrition,
22 dietetics, or food systems management. Supervised practice
23 experience must be completed in the United States or its territories.
24 Supervisors who obtained their ~~doctoral~~ degree outside the United
25 States and its territories must have their degree validated as
26 equivalent ~~to the doctoral~~ *with a minimum of a master's* degree
27 conferred by a United States regionally accredited college or
28 university. *Supervisors must have completed 900 hours of practice*
29 *experience.*

30 (3) Has successfully completed the registration examination for
31 dietitians administered by the commission.

32 (b) The applicant must be ~~21 years of age~~ *18 years of age or*
33 *older.*

34 (c) (1) For one year, beginning on January 1, 2012, the bureau
35 shall waive the licensure requirement and may grant a license to
36 any applicant who makes satisfactory application to the bureau
37 ~~and complies with either of the following:~~

38 ~~(A) Is registered with the commission.~~

39 ~~(B) Received a baccalaureate or post-baccalaureate degree from~~
40 ~~a United States regionally accredited college or university with a~~

~~1 program in dietetics or nutrition or an equivalent major course of
2 study as approved by the board, has completed an experience
3 approved by, and met the educational requirements of, the
4 commission, and has successfully completed the registration
5 examination for dietitians administered by the commission. is
6 registered with the commission.~~

(2) The bureau shall waive any additional educational requirements the bureau considers necessary if the applicant presents satisfactory evidence to the bureau of current registration as a registered dietitian with the commission.

(3) The bureau shall waive the licensure requirements if the application for renewal is made within two years after the date of license expiration.

~~(4) A nonresident registered dietitian licensed in another state may practice dietetics in the state without a license for 90 days or up to 120 days if the requirements for licensure are substantially equal to the requirements for licensure contained in this chapter.~~

2585.10. (a) All fee revenues collected under this chapter shall be deposited in the Dietitian Licensing Fund, which is hereby created, and are hereby continuously appropriated to the bureau for the ordinary expenses of the bureau in administration of this chapter.

(b) The bureau shall establish reasonable and necessary fees relating to the administration of this chapter, none of which are refundable. The fees shall be set at a level to produce revenue which shall not exceed the cost and expense of administering this chapter.

2585.11. This chapter shall not be construed to affect or prevent any of the following:

(a) Any person licensed in this state under this division from engaging in the practice of dietetics when it is within his or her licensed scope of practice and is incidental to the practice for which he or she is licensed.

(b) Any person licensed in this state under this division from engaging in the practice for which he or she is licensed.

(c) A student enrolled in a CADE-accredited program in dietetics or nutrition from engaging in the practice of dietetics under the supervision of a licensed dietitian as part of that program.

(d) A dietitian or nutritionist who is serving in the Armed Forces or the public health service of the United States or is employed by

1 the United States Department of Veterans Affairs from engaging
2 in the practice of dietetics provided that practice is related to the
3 service or employment.

4 (e) A person that furnishes oral or written general nonmedical
5 nutrition information related to food, food materials, or dietary
6 supplements or the marketing of food, food materials, or dietary
7 supplements, provided the person is not engaged in the practice
8 of dietetics.

9 ~~(f) A person providing weight control services through a~~
10 ~~program that has been reviewed and approved by a licensed~~
11 ~~dietitian, or where consultation from a licensed dietitian is not~~
12 ~~available, from a dietitian licensed in another state that has~~
13 ~~licensure requirements at least as stringent as the requirements for~~
14 ~~licensure under this chapter, from a registered dietitian, or from a~~
15 ~~licensed physician and surgeon. Program changes may not be~~
16 ~~initiated without prior approval by the program approver.~~

17 *(f) Any commercial weight management program.*

18 (g) A person who has completed the educational and
19 preprofessional practice requirements to sit for the ~~licensure~~
20 ~~examination~~ *registration examination for dietitians administered*
21 *by the commission*, but has not yet passed the examination, may
22 practice under the supervision of a ~~licensed~~ *registered* dietitian for
23 a period of six months after completing the ~~licensure education~~
24 *educational requirements of the commission.*

25 (h) A dietetic technician, *registered*, may, under the direct
26 supervision of a ~~licensed~~ *registered* dietitian, ~~assist in the~~
27 ~~implementation or monitoring of services with the nutrition care~~
28 *process.*

29 2585.12. Licenses may be renewed upon satisfactory
30 completion of the renewal application, payment of the renewal
31 fee, and proof of compliance with the commission's continuing
32 education requirements.

33 2585.13. (a) Any person who violates any of the provisions
34 of this chapter shall be guilty of a misdemeanor punishable by
35 imprisonment in a county jail not exceeding six months, or a fine
36 not exceeding one thousand dollars (\$1,000), or by both that fine
37 and imprisonment.

38 (b) In addition to any other fine or penalty that may be imposed
39 against any person found to have violated any provision of this
40 chapter, the board may assess and collect all costs incurred in

1 connection with disciplinary actions, including, but not limited to,
2 investigator fees, stenographer fees, attorney's fees, and hearing
3 costs. Any amounts collected under this subdivision shall be
4 deposited in the Dietitian Licensing Fund and shall be subject to
5 Section 207.

6 SEC. 5. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.